

April 8, 2020

Ms. Stacey McArthur
D. S. Thaler & Associates, LLC
7115 Ambassador Road
Baltimore, MD 21244

RE: Fairways at Woodholme
Forest Buffer Variance
Tracking # 02-19-3062

Dear Ms. McArthur:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (EPS) on March 6, 2020. If approved, the variance requested in accordance with §33-3-106(a)(1) of this Law and its associated alternatives analysis for road, storm water management (SWM), and offsite sewer connection impacts would authorize a total of approximately 26,100 square feet (sf) of impact to Forest Buffer, including about 4,431 sf of forested wetland and 17,506 sf of forested buffer area in order to develop 147 townhouses and necessary infrastructure on approximately 55.9-acres owned by Woodholme Country Club. The existing drainage and utility easements as well as the ultimate right of way of Mt. Wilson Lane included as buffer impacts in the alternatives analysis are not included in the impacts cited above and will not be counted at this time, as the design is not currently known. Once that preliminary design is complete, a future alternatives analysis will be required to address impacts to streams, wetlands and buffer associated with those road and utility improvements.

The initial August 2019 variance application was revised in response to the September 19, 2019 EPS letter requiring significant redesign to reduce impacts to wetlands, buffer and forest. As a result, the number of proposed townhouses was reduced from 153 to 147, onsite forested wetland impacts reduced from 9,770 sf to 1,274 sf, 660 sf of emergent wetland impact was eliminated, buffer impacts for proposed dwellings and parking lots were reduced from 11,927 sf to zero (0), and there are no reduced setbacks from any of the townhouses to the resulting Forest Buffer Easement. Additionally, total Forest Buffer impacts (excluding wetlands) decreased from 27,700 sf to 26,100 sf, as well as an 85% reduction of impacts to forested wetlands and contiguous high priority forest. These reductions were due to revisions of the SWM and lot design, including the addition of major retaining walls. Buffer impacts requiring a variance are now limited to

1,775 sf to allow continued use of an existing golf course maintenance road from Mt. Wilson Lane through the Forest Buffer Easement.

The closest feasible sewer connection for the development is over 1,500 feet west of the site in the floodplain of Gwynns Falls. 3,157 of the total 4,431 sf of wetland impacts and 3,627 of the 17,506 sf of forested buffer impacts are associated with this sewer connection. While a sewer connection point exists closer to Mt. Wilson Lane that would entail less impact to wetlands and buffer, it would require tunneling under the CSX railroad right of way, which CSX will not authorize. Therefore, EPS will conditionally approve the proposed sewer connection.

Two general development pods separated by steep topography are proposed on the 55.8-acre parcel. In general, the limits of the 40.96-acre developable area, housing type, and active open space area are all defined by a legally binding Declaration of Covenants with the neighborhood. Those recorded covenants coupled with the continuance of the golf course, extent of the Forest Buffer Easement, and the amount of forest and specimen trees onsite that are high priority for retention, limit flexibility in designing a residential development necessary for the Club to remain economically viable while meeting all EPS requirements. Consequently, we find that a practical difficulty exists in fully complying with the Forest Buffer Law and that the most practicable design for the development and its infrastructure was selected.

We also find that impacts to water quality have been adequately minimized by the revised layout, as impacts to forested wetlands have been reduced from 10,430 sf to 4,431 sf (3,627 sf of which is offsite), and all proposed buffer impacts due to townhouses and parking lots have been eliminated. Furthermore, mitigation for the 0.4 acre of forested buffer and 0.1-acre wetland impacts associated with SWM and utility construction will be provided at a 2:1 ratio (i.e. 1.0 acre). Specifically, approximately 0.54 acre of mitigation is proposed in buffer area on and near the site including 0.44 ac of wetland creation and 0.05 ac of buffer planting. The remaining 0.56-acre buffer mitigation obligation, including the 0.1 acre of non-forested buffer to be mitigated at 1:1, shall be addressed offsite at an EPS-approved location along with any mitigation for impacts due to improvements to Mt. Wilson Lane once those impacts are known.

Based on our review, this Department finds that the variance criteria have been met and that impacts to water quality associated with the road and utility construction necessary for the development can be adequately minimized and mitigated. Therefore, the requested variance is hereby approved in accordance with §33-3-106 of the Baltimore County Code and the alternatives analysis approved in accordance with §33-3-112 of this Code with the following conditions:

1. There shall be no intensification of the existing golf course maintenance road within the Forest Buffer Easement, including paving it.

2. A total of 1.2 acres of mitigation shall be provided for the 0.6 acres (26,100 sf) of buffer and wetland impacts proposed, including 0.2 acre (8,862 sf) of forested wetland creation and 1.0 acre of buffer mitigation.
3. Onsite mitigation shall include at a minimum, 0.1 acre of buffer and 0.44 acre of forested wetland mitigation as proposed on the preliminary Forest Buffer Protection Plan (FBPP) included with the variance/alternatives analysis package. Other than Mitigation Area #7, the small planting areas proposed outside of the Forest Buffer Easement will not be counted as buffer mitigation.
4. Forest Buffer mitigation areas shall be planted with native deciduous species of trees in accordance with a final FBPP. Trees shall be a minimum 1-inch caliper and planted at 200 stems/acre.
5. The remaining buffer mitigation obligation shall be met offsite at an EPS-approved location or forest buffer mitigation bank. If necessary, a letter authorizing use of a mitigation bank will be provided once the exact offsite mitigation requirement is determined on the final FBPP approved by EPS.
6. The entire Forest Buffer Easement shall be permanently posted with protective signage prior to issuance of building permits for any dwellings adjacent to the Forest Buffer Easement.
7. The preliminary FBPP included with the latest application must be revised to address EPS staff comments and approved by EPS prior to Development Plan approval.
8. A final FBPP detailing all on and offsite mitigation and restoration shall be provided to EPS and approved prior to approval of any grading and sediment control plan. An itemized cost estimate for FBPP implementation must be included for EPS approval.
9. A FBPP security equal to 110% of the EPS-approved cost estimate shall be posted with EPS via an Environmental Agreement prior to grading permit issuance.
10. Prior to issuance of any Baltimore County permit, blaze orange high visibility fence shall be installed along the limit of disturbance (LOD) wherever the LOD is within 50 feet of any Forest Buffer and/or Forest Conservation Easement or remaining specimen tree. This protective fence shall be illustrated on the plan view and its installation specified in the sequence of operations on the sediment control plan.

Ms. Stacey McArthur
Fairways at Woodholme
Forest Buffer Variance
April 8, 2020
Page 4

11. The following note must appear on all subsequent plans for this project:

“A variance was granted on April 8, 2020 to Baltimore County’s Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains. The Forest Buffer Easement and its setback shown hereon are reflective of this variance. Conditions were placed on this variance, including on and offsite mitigation and posting of the Forest Buffer Easement limit with protective signage.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate representative sign the statement on the following page and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/ges

c. Mr. Arthur Adler, Woodholme Country Club, Inc.

Ms. Stacey McArthur
Fairways at Woodholme
Forest Buffer Variance
April 8, 2020
Page 5

I/we agree to the conditions above to bring my/our property into compliance with
Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands, and
Floodplains.

Owner/Developer

Date

Printed Name